

LAWSON, GRILLED, IN ANGER CONFESSES HE HAS NOT ANY PEACE 'LEAK' EVIDENCE

CONGRESS HAS POWER TO FIX RAILROAD WAGES, U. S. HOLDS IN EIGHT-HOUR TEST SUIT

Arguments on the Adamson Act Are Begun Before the Supreme Court.

RIGHT TO AVERT STRIKE.

Federal Brief Asserts Railways First Admitted the Law Was Obeysable.

WASHINGTON, Jan. 8.—Announcement of United States Circuit Judge Hook's decision holding the Adamson Eight-Hour Law unconstitutional and dismissal of the railroad's suit was asked in the brief of the Department of Justice filed in the Supreme Court to-day.

"As an hours of service" act and also as a wage law, the Federal brief contended, "the law is constitutional, within the power of Congress to enact and workable."

Infrequently, the brief argued that compulsory arbitration legislation, such as is under consideration, also is constitutional in behalf of public interests to prevent tie-ups of transportation facilities.

Practicability of obeying the law, the brief asserted, has been admitted again and again by railroad officials, particularly in hearings before Congressional committees last August and in conferences with President Wilson.

"All assumed that the mere change from the established and well-understood ten-hour standard day to the proposed eight-hour standard was all that was necessary or intended," the brief stated, citing that 85 per cent. of the employees affected are now employed on a ten-hour basis.

Admitting that a rigid eight-hour day for train operation is not completely practicable, the Federal attorneys said the Adamson law should be enforced at least so far as is possible.

"Two co-ordinate branches of the Government have evidenced the opinion that the law is constitutional," the brief continued. "Certainly this court will not strike down the law upon mere prophecies of its effect."

Alleged infringement of the liberty of contract, it was contended, does not affect the act's validity, nor "the assertion that Congress enacted this law from improper motives and upon insufficient information."

Arguing for the supreme power of Congress over interstate commerce, the brief said:

"In the Adamson law the idea of the Board of Arbitration has been adopted by direct action, rather than through a board. Wage regulation has a vital connection with interstate commerce. Congress's power is ample enough to authorize direct control over the wage relation of persons engaged in interstate commerce. There certainly falls within that power the right to take all steps necessary to put down a strike or prevent an impending one."

A separate brief was filed by Frank Hagerman of Kansas City, a special assistant to the Attorney General. Hagerman contended the railroads had previously admitted but now deny the law is capable of operation. Judge Hook, he said, sustained its practicability by ordering the railroads to keep special account of wages due employees under the law to insure their prompt payment if it is sustained by the Supreme Court.

PEACE MOVE INOPPORTUNE, VIEW CREDITED TO POPE

Newspaper of Rome Says He Will So Declare in Notes to Powers.

ROME, Jan. 8.—Pope Benedict will declare the present moment inopportune for a peace movement, in notes to Germany and America, the newspaper *Messaggero* announced to-day.

According to this source, the notes will be practically identical in terms and will be despatched by the Vatican Wednesday. In them, the *Messaggero* declares, the Pope will narrate his own personal efforts toward peace and his desire for stopping of the great war, but sum up his conclusions that the time is not yet ripe for definite steps.

GERARD CALLED ON TO EXPLAIN SPEECH AT BERLIN DINNER

State Department Asks About Alleged Description of U. S. Relations With Germany.

WASHINGTON, Jan. 8.—The report by the Overseas News Agency that Ambassador Gerard at a public welcome back to Germany had said that "never since the beginning of the war have the relations between the United States and Germany been so cordial as now" were officially inquired into by the State Department to-day through a cable to the Ambassador personally.

Officials, in making this announcement, said they wished to know exactly what Gerard had said.

The action of the department was interpreted as evidence of the importance attached to the possible effects of such an utterance, especially upon public opinion in the allied countries, where published reports have shown an impression that the President's note was in some way connected with the Central Powers' peace proposal. Every effort has been made to dispel that belief.

It is felt that if the Overseas News report were allowed to go unchallenged that feeling would be very much increased. As a result the department was prompt in making public its inquiry to the Ambassador and probably will give out his reply when received.

It is indicated also that the report as quoted did not convey a true view of German-American relations, which have commonly been described as strained through the recent submarine activities.

NEW SUPREME JUSTICE.

Charles H. Sears of Buffalo Appointed to Success Judge Pound.

ALBANY, Jan. 8.—Charles H. Sears of Buffalo has been appointed Justice of the Supreme Court in the Eighth Judicial District to succeed Outbent W. Pound, recently elected as Associate Justice of the Court of Appeals.

The nomination will be sent to the Senate Wednesday night. Sears is President of the Buffalo Bar Association.

ELUSIVE "OLIVER" KEPT UNDER COVER AT SAFFORD TRIAL

Star Witness Stays in Seclusion Until Time to Face Rae Tanzer.

CROWD JAMS COURT.

Jury Box Filled and Clearing Up of the Great Mystery is Eagerly Awaited.

The trial which is destined to bring Charles H. Wax, the spectacular individual of many aliases and an elaborate wardrobe, who disappeared himself with women as "Oliver Osborne," face to face with Rae Tanzer, who maintains that James W. Osborne was the "Oliver" who wooed her, began to-day before Judge Learned Hand in the United States District Court.

It was that of Franklin D. Safford, clerk in the Kensington Hotel at Plainfield, N. J., who is charged with perjury in having sworn that James W. Osborne registered at his hotel as "Oliver Osborne" in October, 1914, and that Rae Tanzer was with him. The appearance of Wax upon the scene with his statement that he is the man who took Rae Tanzer to the hotel adds a new interest to the case.

The jury box was filled at the morning session. It was decided that "Oliver" as well as the other witnesses should be kept out of court until called to testify. Rae Tanzer was awaiting the call in the office of Lewis Stuyvesant Chanler, one of her counsel. The court was crowded at the opening of the afternoon session.

The first witness called was U. S. Commissioner Houghton, before whom the alleged perjury occurred. He brought to the stand a record of the original proceedings against the defendant.

Assistant U. S. Attorney Herschenstein, opening for the government, recited the allegation of the prosecution that Safford was taken to the home of the attorneys for Miss Tanzer and kept supplied with liquor and money both before and after the giving of his testimony.

Continuing, Mr. Herschenstein said: "The government will produce the real Oliver Osborne who went to the Plainfield Hotel and signed the register there, although the defendant has sworn it was James W. Osborne. And the government will also prove that this defendant gave this testimony for a price."

Commissioner Houghton, examined by Mr. Hand, testified as to the action before him and the testimony of James W. Osborne that he had never seen Rae Tanzer before and had never gone anywhere with her. And one by one the old exhibits of papers and documents used in the two preceding trials were placed in evidence.

WHEAT AT \$2 A BUSHEL, LONG PREDICTED PRICE

No. 2 Red for Immediate Delivery Forced to That Figure in the Chicago Pit.

CHICAGO, Jan. 8.—For the first time, wheat prices on wheat here touched to-day a long predicted goal, two dollars a bushel.

No. 2 red winter wheat for immediate delivery sold at that price, an advance of about 3c since Saturday.

Pressing demand for shipment to Europe and for domestic milling needs were generally accepted as the reasons for the rise.

DIET SQUAD THERE, REEL CAMERAS, TOO, BUT NO FOOD AT ALL

Twelve Hungry Police Rookies Wait in Vain for First 25-Cents-a-Day Meal.

BUYER FAILS TO APPEAR.

Beginning of Life Extension Society's Test Put Off Until This Evening.

Twelve hungry probationary policemen, looking self-conscious but determined, reported at 12:15 to-day at the kitchen and dining room at No. 49 Lafayette Street arranged by the Hygiene Life Extension Society to begin a three weeks' diet test at 25 cents a day each. Also were present two moving picture operators and twelve ordinary photographers, five literary ladies, twenty reporters and ten of the "Cane Squad," as ordinary reporters describe the highbrow persons with wide-rimmed spectacles who do not deign to describe events not of world-wide importance.

But there was no luncheon. Miss Marian F. Walker, who was to have done the marketing and to have reported at 9 o'clock at the "laboratory," did not appear or send a substitute. The last anyone connected with the movement saw of her was Saturday evening.

[Bulletin to Evening World from Miss Ula McClary, social director and secretary, at 2:40 P. M., Monday, Jan. 8.—Miss Walker just telephoned to know why nobody had telephoned her to come downtown and begin marketing. She will be here this evening.]

Dr. Eugene Lyman Fiske, medical director of the society, which intends to prove that young men leading unusually active lives can be fed from neighborhood stores for a quarter a day, was there. He had copies of the speech he meant to deliver. So were Dr. Mary S. Rose, the expert dietitian, and Miss Mary McCormick, the statistician, both of the Teachers' College. So were Mesdames Jennings, Murray and O'Connor, widows of policemen, who were to act as waitresses.

The twelve dietary heroes were dismissed to their ordinary eating places and it was announced that Mrs. Fiske, the doctor's wife, would do this afternoon's marketing and the first meal would be dinner at 5:30 o'clock this afternoon with the following menu:

Lamb stew with vegetables; stewed apricots; gingerbread and coffee.

Commissioner Woods has promised to be present.

The dining room is an unused store. The great show windows have been screened from the street with white sheeting and green balsa screens divide the floor into three compartments—dining room, kitchen and a lounge room.

The twelve probationaries are on honor not to eat between meals and to report to Miss McClary exactly what they have had to drink, and how much they have smoked each day, and any other way in which their appetites and physical condition may have been affected away from the "laboratory."

The menus of each day will be published with a detailed accounting for costs, even the expenditure for gas. The twelve probationary policemen selected by Commissioner Woods and Inspector Cabell are: Henry Stopfer, James Hanlon, Felix McKenna, Matthew Shea, Joseph Peckington, Sigurd A. Robertson, Charles J. Young, Charles J. Gilroy, James Hogan, John J. Fournier, Bernard E. Reilly, Richard E. Lyons and John H. A. Smith.

FRENZIED FINANCIER WHO FAILED TO PROVE A PEACE NOTE 'LEAK.'



T.W. LAWSON.

FAMED "RIDLEY'S" IN GRAND STREET IS SWEEP BY FIRE

Old Building That Once Housed Big Dry Goods Business Is Destroyed.

Ridley's old store at the southwest corner of Grand and Orchard Streets, a landmark of the days when Grand Street was a fashionable shopping thoroughfare and the English language was spoken on the East Side, was destroyed by a fire which started shortly before noon to-day.

Hundreds of persons employed in the building hustled to safety by way of the fire escapes or over the roof and scores of merchandising firms were burned out.

The fire was the occasion of three alarms, the last of which summoned Chief Kenyon. By hard work the firemen confined the blaze to the corner building. It was the first big daylight fire the east side has enjoyed for a long time.

When Ridley's business succumbed to the transformation of the east side the building, which was five stories high, was subdivided into stores on the ground floor and lofts and factories above. Numerous tailor shops and garment factories occupied quarters on the upper floors and Daniel Jones, a furniture dealer, occupied one store on four floors on the Orchard Street side as a storehouse for furniture. The ground floor store was occupied by H. A. Goldman, crockery and glassware; Jacob Glass, ladies' suits and waists; I. Rose & Co., stoves, and Herzhinsky & Eisenberg, wholesale grocers.

The blaze had started in Jones's furniture warehouse on the third floor. It worked its way upward to the top floor, which was divided only by wooden partitions, and soon burst through the roof.

The 2,600 pupils in Public School No. 42 at Orchard and Heister Streets was about to be dismissed for the noon recess when the noise of assembling engines was heard. Mrs. Rifina Carls, the principal, ordered the Orchard Street doors locked and sent the pupils out into Heister Street, with the result that many of them got lost in the crowds and the school was soon besieged by scores of frantic mothers with shawls over their heads clamoring for their children.

The Ridley building has been on fire several times since the Ridleys moved out. About twelve years ago it was the scene of a five-alarm night fire and two years ago a blaze in the building called for two alarms. Today's blaze will probably wind up the history of the old structure.

'TIP WAS FROM CABINET' SAYS LAWSON ON STAND

STATEMENT MADE BY TUMULTY ON PEACE NOTE LEAK

A Denial That He Knew of Note and an Exonerated by the President.

WASHINGTON, Jan. 8.—Following is the statement Secretary Tumulty read before his examination by the Rules Committee on the peace note leak began:

"I appear before this committee to resent the unjust intimation that I gave information to Mr. H. M. Baruch in regard to the so-called peace note sent to the European belligerents last month by the Secretary of State. This intimation was contained in a statement made to this committee by Representative Wood of Indiana, a man whom I do not know. To the best of my knowledge I have never met Mr. Wood. Certainly he made no effort to find out the truth from me before dragging my name into this affair.

"I have had no correspondence, written or telegraphic, with Mr. Baruch or anybody representing him, regarding this matter. I have had no telephone talks with Mr. Baruch or anybody representing him regarding this matter. I have never talked with him or anybody representing or with any one else, publicly or privately, with regard to this matter.

"I wish to deny generally and specifically that I gave advance information to Mr. Baruch or to anybody else in regard to the peace note. I did not know of the existence of this note or that this Government contemplated the dispatch of such a note until after printed copies of the note had been given to representatives of the press by the State Department. I was not consulted in the preparation of the note by the President or by anybody else. The conferences and communications relating to the drafting of the note and its despatch were confidential between the President and the Secretary of State. I knew nothing of them whatever nor did any other person employed in the Executive Office.

NEVER BREAKFASTED, LUNCHEONED OR DINED WITH BARUCH.

"Apparently the only insinuations made against me are that I lunched with or met Mr. Baruch at the Blum-House Hotel at or about the time of the preparation of the President's suggestion that the European belligerents state their peace terms. I have never breakfasted, lunched, dined or taken any meals with Mr. Baruch. I have met him only at several banquets and large dinners, when many other persons were present. I have never discussed any peace or other note, either when it was in prospect or afterward, with Mr. Baruch or any other person engaged in the purchase or sale of securities of any kind in the stock market.

"While this is a complete denial of the only insinuations which have been made, I wish to go further and say that I have never engaged in stock market sales or purchases myself nor through brokers' friends or agents.

"I discussed the President's note with no one, first, because my oath of service requires that I make no private use of official information, and, secondly and specifically, because I am very careful about

(Continued on Second Page.)

When Pressed Hard He Refuses to Give Any Name and a Motion Is Made to Call Him to the Bar of the House for Contempt.

LANSING ON STAND TELLS HOW NOTE WAS SENT OUT

By Samuel M. Williams. (Special Staff Correspondent of The Evening World.)

WASHINGTON, Jan. 8.—Thomas W. Lawson broke down utterly in his efforts to bolster up the charges that there had been a "leak" to Wall Street of President Wilson's peace note when he was called to-day as the star witness before the Congressional Investigating Committee.

Instead of a sensational disclosure there was only a fizzle. Instead of names and definite information to sustain his charges, Lawson merely spluttered, squirmed and evaded.

He tried to stir up wordy controversies to cover lack of definite testimony and for a time succeeded in creating an uproar.

Eventually, under cross-examination by Chairman Henry, Lawson was pinned down to a flat confession that he had no first hand or even second hand knowledge of any "leaks."

Lawson sought to cover up his lack of facts with denunciations of the system and calls for a genuine investigation to expose Wall Street with its "damnable condition of affairs, and gigantic robbery of the American people."

Finally when he was pinned down by categorical questions Lawson said he had "no knowledge of a legal court kind."

SAYS CABINET OFFICER GAVE LEAK TIP.

A climax was reached in the afternoon session when Lawson said a member of Congress had mentioned to him the name of a Cabinet officer who had been mixed up in the leak speculation.

"Who was that Cabinet officer?" he was asked.

"I refuse to answer."

"Who was the member of Congress?"

"I refuse to answer, because it was given to me in confidence and I was not in any way concerned in the transaction. I refuse to give the name of the high official concerned, because of the seriousness of the situation and the danger it would involve to the American people."

"When and where did this conversation occur?"

"I refuse to answer, because if you have that you have the whole information."

Representative Chipperfield moved

PRESIDENT WROTE THE NOTE ON HIS OWN TYPEWRITER

After Mr. Tumulty read his statement (to be found in another column) Chairman Henry said he had no questions to ask and Representative Campbell questioned the President's secretary.

"Do you know who aided in the preparation of this note?"

"The President prepared and wrote the note himself," said Mr. Tumulty. "He is an expert typewriter in addition to his other achievements."

"Did any stenographer or clerk in the Executive office know of the existence of the note?"

"I do not know."

"Have you any information as to how the leak occurred?" Mr. Campbell asked.

"I have not," Mr. Tumulty replied. "Any opinion I might have would be speculative and would involve reputations. I am very careful about

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GOT COLD? START TO-DAY
taking Father Jean's Medicine—Advt.

For Racing Entries See Page 5.